

Exhibit C

Declaration of Franklin C. Wong

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

ALBERT T. BEANE, JR., individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON,
BNY CONVERGEX EXECUTION
SOLUTIONS LLC, and CALLAN
ASSOCIATES, INC.,

07-cv-09444 (RMB) (GWG)

Defendants.

-----X

DECLARATION OF FRANKLIN C. WONG


Franklin C. Wong, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a Vice President for Client Services at LJR Recapture Services, a division of BNY ConvergeEx Execution Solutions LLC (“BNY ConvergeEx”).
2. I am familiar with the BNY ConvergeEx databases that contain information regarding the brokerage commissions received by BNY ConvergeEx (or one of its predecessor entities) from pension plan clients and other entities. I have performed a search of those databases to determine the commissions received by BNY ConvergeEx from the Federal-Mogul Pension Plan between November 1998 and December 31, 2005, reduced by the amount of commission recapture rebates. The search I performed shows that between November 1998 and December 31, 2005, BNY ConvergeEx received a total of \$174,294.22 in net commissions from the Federal-Mogul Pension Plan.

3. Attached hereto as Exhibit A is a true and correct copy of a client commission report generated from these databases reflecting the net commissions received by BNY ConvergeX from the Federal-Mogul Pension Plan during the above-referenced period.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 17, 2008



Franklin C. Wong

Exhibit A

Client Commission Detail Report
BNY-BEANE 0038965

FILED UNDER SEAL

Pursuant to Stipulation and Order Governing the Use of Confidential Information (Dkt. #20)